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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/762,294

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Christopher Paul Chambers

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02/28/2006

PILLSBURY WINTHROP SHAW PITTMAN, LLP
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EXAMINER

LANGDON, EVAN H

ART UNIT

PAPER NUMBER

3654

DATE MAILED: 02/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/762,294

Applicant(s)

CHAMBERS, CHRISTOPHER
PAUL

Examiner

Evan H. Langdon

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 October 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5, 7-13 and 17-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 7-13 and 17-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claim 18 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The limitation of a "third arm" was not described in the specification.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-5, 7-13 and 17-19 are rejected under 35 U.S.C. 102(b) as being anticipated by Bausenbach et al. (US 3,836,123).

In regards to claim 1, Bausenbach discloses a guide for a rope comprising:

a base plate 22, 24;

an arcuate first arm 76 pivoted 92 to the base plate at a first pivot;

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an arcuate second arm 74 pivotally mounted to the first arm at a second pivot and so as in a rest position to form an acute angle with the first arm, as seen in Figure 3, wherein the second arm pivot is spaced (apart in a parallel plane as seen in Figure 4, the struts of the arms overlap, but their respective pivots are spaced) from the first pivot;

and biasing means 106, explained in column 4 line 62 to column 5 line 12, between the base plate and the second arm 74.

In regards to claim 2, Bausenbach discloses a the base plate carries a chain wheel 44, where the chain wheel has a periphery and the arms 74, 76 are positioned adjacent the periphery of the chain wheel.

In regards to claim 3, Bausenbach discloses the biasing means comprises a spring 106 connected to the second arm 74 at a position between the pivot 92 and the second arm pivot.

In regards to claim 4, Bausenbach discloses the second arm carries a pressure member 78.

In regards to claim 5, Bausenbach discloses a guide for a rope or chain comprising:

a base plate 22, 24;

an arm 76 pivotally mounted on the base plate 22, 24, at a first pivotal connection 94;

biasing means 106 between the base plate and the arm;

and a pressure member 74, 78 pivotally mounted on the arm at a second pivotal connection spaced (vertically) from the first pivotal connection.

In regards to claim 7, Bausenbach discloses the arm 74 is substantially arcuate.

In regards to claims 8 and 19, Bausenbach discloses the pressure member 78 is substantially arcuate.

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In regards to claim 9, Bausenbach discloses the pressure member is substantially arcuate and the pivot point of the pressure member is adjacent the convex face of the pressure member. Since the pressure member of Bausenbach is round and the pivot is in the center, the pivot point is inherently adjacent both the convex and concave sides of the pressure member.

In regards to claim 10, Bausenbach discloses the base plate carries at least one chain wheel 56 where the each chain wheel having a periphery where a pivot point between the arm 74 to the base being adjacent the periphery of the chain wheel or wheels.

In regards to claim 12, Bausenbach discloses the biasing means comprises a spring.

In regards to claim 13, Bausenbach discloses a winch including the guide.

In regards to claim 17, Bausenbach discloses the second arm substantially overlays the first arm in the rest position.

In regards to claim 18, Bausenbach discloses the second arm comprises a third arm 78 positioned below the first arm, and the biasing means is connected to the third arm (via the second arm).

Response to Arguments

Applicant's arguments with respect to claims 1-5, 7-13 and 17-19 have been considered but are moot in view of the new ground(s) of rejection. The recitation "the second pivot spaced from the first pivot" necessitated the new grounds of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Evan H. Langdon whose telephone number is (571)272-6948. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kathy Matecki can be reached on (571) 272-6951. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ehl

A handwritten signature in black ink that reads "Kathy Matecki". The signature is fluid and cursive, with the first letters of each name being capitalized and prominent.

**KATHY MATECKI
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600**